

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICARDO COPANTITLA, DIEGO DIAZ DE :
LA VEGA, IGNACIO GARCIA, FREDDY : Case No. 09 Civ. 1608 (RJH)(JCF)
GUACHUN, JULIO LANTIGUA, MANUEL :
LIZANDRO, MARTIN LOPEZ, SEBASTIAN :
LOPEZ, AUGUSTIN MALDONADO, HENRY : **SECOND AFFIRMATION OF**
MATUTE, JOELITO MELENDEZ, : **STEPHANIE L. ARANYOS, ESQ. IN**
AUSSENCIO RAMIREZ, AND JOSE LUIS : **OPPOSITION TO PLAINTIFFS'**
VARGAS, : **MOTION FOR PARTIAL SUMMARY**
: **JUDGMENT**
Plaintiffs, :
-against- :
FISKARDO ESTIATORIO, INC. d/b/a :
THALASSA RESTAURANT, GEORGE :
MAKRIS, JULIA MAKRIS, STEVE MAKRIS, :
and FANTIS FOODS, INC., :
Defendants. :
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STEPHANIE L. ARANYOS, the undersigned attorney-at-law duly admitted to practice in the Courts of the State of New York, hereby affirms under penalty of perjury, the truth of the following:

1. I am counsel with the law firm Lowenstein Sandler PC, counsel for Defendants Fiskardo Estiatorio, Inc. d/b/a Thalassa Restaurant, George Makris, Julia Makris, Steve Makris and Fantis Foods, Inc. (collectively, "defendants") in the above-captioned action.

2. I submit this Affirmation in opposition to plaintiffs' motion for partial summary judgment.

3. A true and correct copy of the selected deposition testimony of Tommy Ziotas, as corporate designee of Fiskardo Estiatorio, Inc. d/b/a Thalassa Restaurant dated April 29, 2010 is attached hereto as Exhibit A.

4. A true and correct copy of the selected deposition testimony of Julia Makris, dated May 27, 2010 is attached hereto as Exhibit B.

5. A true and correct copy of the selected deposition testimony of Steve Makris, dated July 9, 2010 is attached hereto as Exhibit C.

6. A true and correct copy of the selected deposition testimony of Tasso Zapantis, dated June 11, 2010 is attached hereto as Exhibit D.

7. A true and correct copy of the selected deposition testimony of Ralpheel Abrahante, dated January 13, 2010 is attached hereto as Exhibit E.

8. A true and correct copy of the selected deposition testimony of Sait Dogan, dated June 29, 2010 is attached hereto as Exhibit F.

9. A true and correct copy of the selected deposition testimony of Sophia Zilo, dated July 1, 2010 is attached hereto as Exhibit G.

10. A true and correct copy of the selected deposition testimony of Jose Luis Vargas, dated February 12, 2010 is attached hereto as Exhibit H.

11. A true and correct copy of the selected deposition testimony of Diego Diaz de la Vega, dated May 21, 2010 is attached hereto as Exhibit I.

12. A true and correct copy of the selected deposition testimony of Sebastian Lopez, dated February 16, 2010 is attached hereto as Exhibit J.

13. A true and correct copy of the selected deposition testimony of Freddy Guachun, dated February 24, 2010 is attached hereto as Exhibit K.

14. A true and correct copy of the selected deposition testimony of Henry Matute, dated March 11, 2010 is attached hereto as Exhibit L.

15. A true and correct copy of the selected deposition testimony of Ignacio Garcia, dated February 8, 2010 is attached hereto as Exhibit M.

16. A true and correct copy of the June 1, 1995 Memorandum from Richard J. Polsinello, Director, Division of Labor Standards of the New York Department of Labor ("NYDOL") is attached hereto as Exhibit N.

17. A true and correct copy of the August 11, 1999, NYDOL Opinion Letter is attached hereto as Exhibit O.

18. A true and correct copy of the March 24, 2000, NYDOL Opinion Letter is attached hereto as Exhibit P.

19. A true and correct copy of the March 12, 2001, NYDOL Opinion Letter is attached hereto as Exhibit Q.

20. A true and correct copy of the September 25, 2001, NYDOL Opinion Letter is attached hereto as Exhibit R.

21. A true and correct copy of the November 8, 2004, NYDOL Opinion Letter is attached hereto as Exhibit S.

22. A true and correct copy of the February 22, 2006, NYDOL Opinion Letter is attached hereto as Exhibit T.

23. A true and correct copy of the May 19, 2006, NYDOL Opinion Letter is attached hereto as Exhibit U.

24. A true and correct copy of the August 2, 2006, NYDOL Opinion Letter is attached hereto as Exhibit V

25. A true and correct copy of a letter transmitted by facsimile on June 3, 2009 from Carolyn D. Richman of Fox Rothschild LLP, counsel for the New York State Restaurant Association, New York City Chapter, to Jean Lindholm of the NYDOL, dated June 3, 2009, regarding "Submission to the New York State Wage Board on Behalf of the New York State Restaurant Association, Greater New York City Chapters" is attached hereto as Exhibit W.

26. A true and correct copy of certain payroll records produced by plaintiffs in the course of discovery is attached hereto as Exhibit X.

27. A true and correct copy of certain payroll records produced by defendants in the course of discovery is attached as Exhibit Y.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

December 17, 2010

/s/ Stephanie L. Aranyos
Stephanie L. Aranyos (SA-1657)